IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20103 of 2004

Between:

Gagolotu Raju S/o Somla,
R/o Bheekya Thanda Village, Kodad Mandal,

Nalgonda district

..... PETITIONER

AND

1 The Prohibition and Excise Inspector,

Excise Station Kodad, Kodad, Nalgonda district.
2 The Deputy Commissioner of Prohibition and Excise,

Mahaboobnagar Division, Mahaboobnagar District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 1st respondent in seizing 18 bags of Black Jaggery consisting of 50 Kgs each bag and 2 bags of Alum under Cr. No. 186/2004-2005 on the file of the 1st Respondent, as illegal, arbitrary and consequently direct the respondents herein to release the said stocks.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The petitioner seeks a writ of Mandamus declaring the action of the 1st respondent in seizing 18 bags of Black Jaggery consisting of 50 kgs in each bag and 2 bags of Alum under Crime No.186/2004-2005, as arbitrary and illegal.

It is represented by the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise that similar matters have been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and to pass appropriate orders, in accordance with law.

In the circumstances, the writ petition is disposed of, granting liberty to the petitioner to make an appropriate application before the 2nd respondent herein for release of the seized goods, within a period of two weeks from today. If such an application is made, the 2nd respondent is directed to consider and dispose of the same on furnishing bank guarantee of the value of the goods as determined by him, in accordance with law, within a period of four weeks from the date of receipt of such application from the petitioner. No orders as to costs.

_____

02-11-2004

Note: Issue C.C in three days.

B/o.

vs

To

1 The Prohibition and Excise Inspector,

Excise Station Kodad, Kodad, Nalgonda district.
2 The Deputy Commissioner of Prohibition and Excise,

Mahaboobnagar Division, Mahaboobnagar District

3 2CCs to the G.P for Prohibition and Excise, High Court

Buildings, Hyderabad(O.U.T).

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